

Agency Proposed Budget								
Budget Item	Base Budget Fiscal 2002	PL Base Adjustment Fiscal 2004	New Proposals Fiscal 2004	Total Exec. Budget Fiscal 2004	PL Base Adjustment Fiscal 2005	New Proposals Fiscal 2005	Total Exec. Budget Fiscal 2005	Total Exec. Budget Fiscal 04-05
FTE	3.00	0.00	0.00	3.00	0.00	0.00	3.00	3.00
Personal Services	133,911	13,653	0	147,564	13,879	0	147,790	295,354
Operating Expenses	44,999	(6,753)	2,659	40,905	(6,428)	2,662	41,233	82,138
<b>Total Costs</b>	<b>\$178,910</b>	<b>\$6,900</b>	<b>\$2,659</b>	<b>\$188,469</b>	<b>\$7,451</b>	<b>\$2,662</b>	<b>\$189,023</b>	<b>\$377,492</b>
General Fund	0	185,810	2,659	188,469	186,361	2,662	189,023	377,492
State/Other Special	178,910	(178,910)	0	0	(178,910)	0	0	0
<b>Total Funds</b>	<b>\$178,910</b>	<b>\$6,900</b>	<b>\$2,659</b>	<b>\$188,469</b>	<b>\$7,451</b>	<b>\$2,662</b>	<b>\$189,023</b>	<b>\$377,492</b>

### Agency Description

The Office of the Appellate Defender is an agency administratively attached to the Department of Administration. The appellate defender is hired by, and serves at the pleasure of, the Appellate Defender Commission. The appellate defender provides legal counsel for indigent persons who have been convicted and who then appeal district court convictions, or who petition for post-conviction relief from district court proceedings. The appellate defender also aids the commission by compiling and maintaining a current roster of Montana attorneys who are eligible to serve as trial and appellate defense counsel for the indigent, if appointed by an appropriate court.

Biennium Budget Comparison								
Budget Item	Present Law Fiscal 2004	New Proposals Fiscal 2004	Total Exec. Budget Fiscal 2004	Present Law Fiscal 2005	New Proposals Fiscal 2005	Total Exec. Budget Fiscal 2005	Total Biennium Fiscal 02-03	Total Exec. Budget Fiscal 04-05
FTE	3.00	0.00	3.00	3.00	0.00	3.00	3.00	3.00
Personal Services	147,564	0	147,564	147,790	0	147,790	272,638	295,354
Operating Expenses	38,246	2,659	40,905	38,571	2,662	41,233	90,032	82,138
<b>Total Costs</b>	<b>\$185,810</b>	<b>\$2,659</b>	<b>\$188,469</b>	<b>\$186,361</b>	<b>\$2,662</b>	<b>\$189,023</b>	<b>\$362,670</b>	<b>\$377,492</b>
General Fund	185,810	2,659	188,469	186,361	2,662	189,023	183,760	377,492
State/Other Special	0	0	0	0	0	0	178,910	0
<b>Total Funds</b>	<b>\$185,810</b>	<b>\$2,659</b>	<b>\$188,469</b>	<b>\$186,361</b>	<b>\$2,662</b>	<b>\$189,023</b>	<b>\$362,670</b>	<b>\$377,492</b>

### Agency Discussion

Appellate Defender Major Budget Highlights
<ul style="list-style-type: none"> <li>○ Total funding for the 2005 biennium increases 4.1 percent over the 2003 biennium</li> <li>○ Unspecified reductions that carry forward Governor and August 2002 Special Session reductions total \$21,396 or 5.7 percent of biennium funding</li> <li>○ Performance based pay increases add \$12,600 over the biennium</li> </ul>

## Funding

The following table shows program funding, by source, for the base year and for the 2005 biennium as recommended by the Governor.

Program Funding Table Appellate Defender						
Program Funding	Base Fiscal 2002	% of Base Fiscal 2002	Budget Fiscal 2004	% of Budget Fiscal 2004	Budget Fiscal 2005	% of Budget Fiscal 2005
01100 General Fund	\$ -	-	\$ 188,469	100.0%	\$ 189,023	100.0%
02141 District Court Crim. Reimb.	178,910	100.0%	-	-	-	-
Grand Total	\$ 178,910	100.0%	\$ 188,469	100.0%	\$ 189,023	100.0%

The office is funded entirely from general fund. This funding is a change from the 2003 biennium when the base was funded with state special revenue from district court criminal reimbursement state special revenue account, which was derived from taxes and fees collected on light vehicles. When HB 124 of the 2001 legislature revised law governing local government and state revenue collection and allocation, the state special revenue funding was switched to general fund. General fund began supporting the operations of the office in fiscal 2003.

Present Law Adjustments									
Fiscal 2004					Fiscal 2005				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				10,938					11,164
Vacancy Savings				0					0
Inflation/Deflation				(294)					(207)
Fixed Costs				340					251
<b>Total Statewide Present Law Adjustments</b>				<b>\$10,984</b>					<b>\$11,208</b>
DP 1 - Fixed Cost Adjustments & On-going Reductions	0.00	(4,084)	0	(4,084)	0.00	(3,757)	0	0	(3,757)
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>(\$4,084)</b>	<b>\$0</b>	<b>(\$4,084)</b>	<b>0.00</b>	<b>(\$3,757)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$3,757)</b>
<b>Grand Total All Present Law Adjustments</b>				<b>\$6,900</b>					<b>\$7,451</b>

## Executive Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 1 - Fixed Cost Adjustments & On-going Reductions - A net reduction of \$7,841 general fund for the biennium is recommended through offsetting adjustments that: 1) provide unspecified reductions totaling \$21,396 to carry forward the Governor's 17-7-140, MCA, reductions and reductions imposed in the August 2002 Special Session; 2) fund increases of \$12,600 for performance based pay raises in a future movement to the broadband plan of the alternative classification and compensation system; and 3) fund increases totaling \$955 for office space rent and fixed costs.

New Proposals										
Program	FTE	Fiscal 2004				Fiscal 2005				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 317 - Indirect Cost Recovery										
01	0.00	2,659	0	0	2,659	0.00	2,662	0	0	2,662
<b>Total</b>	<b>0.00</b>	<b>\$2,659</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,659</b>	<b>0.00</b>	<b>\$2,662</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,662</b>

### New Proposals

The "New Proposals" table summarizes all new proposals requested by the executive. Descriptions and LFD discussion of each new proposal are included in the individual program narratives.

DP 317 - Indirect Cost Recovery - An increase of \$5,321 general fund for the biennium is requested to provide indirect cost payments for a new indirect cost pool formed from portions of the director's office and the Management Support Bureau of the Department of Administration that provide centralized service functions for the office. This indirect cost pool would fund the department director, deputy director, dedicated administrative support staff of the director, two accountants, and an accounting/fiscal manager. The indirect cost pool would pay for budget work, fiscal note coordination, and bill paying for the office.